



O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 94-480-A

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 06/06/94

Arnold Jablon
Director
County Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP 1105

RE: Property Owner:

LOCATION: SEE BELOW

Item No.: SEE BELOW

County Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 457, 458, 461, 462, 463, 464, 465, 467, 468, 469 AND 470.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4081, MS-1102F

cc: File

Printed with Soybean Ink
on Recycled Paper

RECEIVED
JUN 6 1994
ZADM

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 14, 1994

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 448, 462, 463, 464, 468, 470, 471, 472, 473, 474, 477, 478, 479 and 480.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3400.

Prepared by: *Jeffrey W. Long*

Division Chief: *Cary Lewis*

PK/JL:lw

ZAC.448/PZONE/ZAC1

PETITION FOR VARIANCE
8 Berrymans Lane, NW
961.5' W of c/c Reisterstown Rd.,
4th Election Dist., 3rd Councilmanic
Mary C. Whitcraft, et al.
Petitioners

BEFORE THE
ZONING COMMISSION
FOR BALTIMORE COUNTY
CASE NO.: 94-480-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of June, 1994, a copy of the foregoing Entry of Appearance was mailed to Jon Messinger, P. O. Box 71, Glyndon, MD 21071, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
MARY C. WHITCRAFT	538 MAIN ST. REISTERSTOWN MD 2106
CRAIG C. WHITCRAFT	538 MAIN ST. REISTERSTOWN MD 2106
Jon Messinger	P.O. Box 71 Glyndon MD 21071

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 8 BERRYMAN'S LANE see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____
plat book# _____, lot# _____, section# _____

OWNER: Craig Whitcraft

PETITIONER'S EXHIBIT 461

Map showing property boundaries, easements, and surrounding features. Includes labels for "BERRYMAN'S LANE (50' RW, 22' PAVING)", "Scale of Drawing: 1" = 50'", and "North arrow".

LOCATION INFORMATION

Election District: 4TH
Councilmanic District: 2nd
1"=200' scale map: NW15J
Zoning: DR-3.5
Lot size: 24948 square feet
Chesapeake Bay Critical Area: ☐
Prior Zoning Hearings: NONE

Zoning Office USE ONLY

reviewed by: JCM ITEM #: 464 CASE: _____

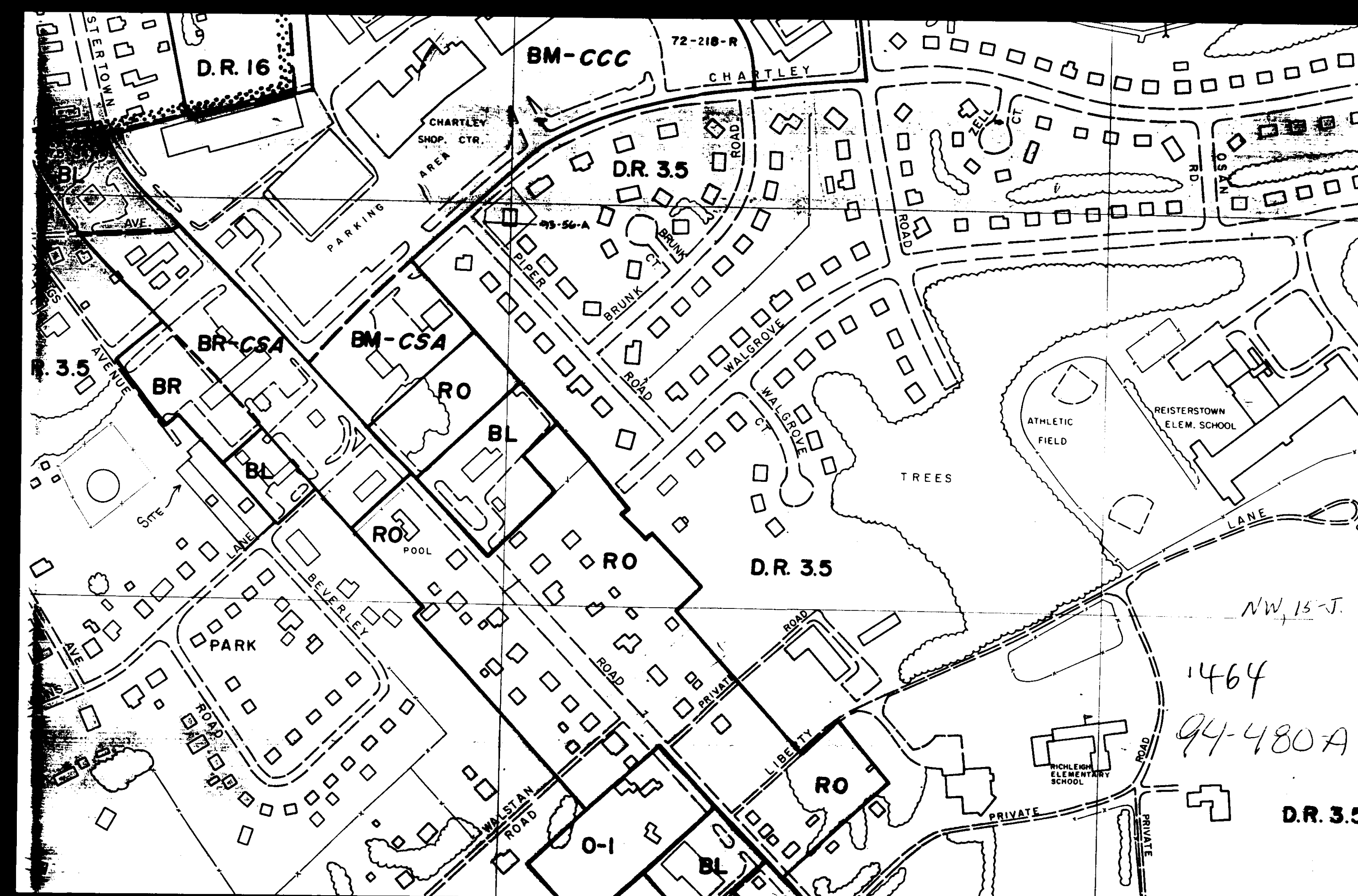


Exhibit B

BEGINNING for the same at an iron stake two hundred eighty-six and five tenths (286.5) feet west of Reisterstown Road, thence running south fifty-three (53) degrees five (5) minutes, west for a distance of seventy-five (75) feet on the north side of Berryman's Lane, thence North thirty-four (34) degrees fifty-eight (58) minutes west and parallel to lotnumbered One (1) for a distance of two hundred sixty-six (266) feet more or less to the Northern outline of subdivision, thence north fifty-five (55) degrees thirty (30) minutes east for a distance of nineteen (19) feet and eleven (11) inches, thence north thirty-six (36) degrees fifty-five (55) minutes west for a distance of sixteen and five tenths (16.5) feet to a stone planted in the ground, thence north fifty-four (54) degrees and thirty (30) minutes east fifty-six and five tenths (56.5) feet to an iron stake, thence south thirty-four (34) degrees fifty-eight (58) minutes east for a distance of two hundred seventy-eight and seven tenths (278.7) feet more or less to the place of beginning.

Being the same lot of ground described in a Deed dated 12/21/90 from The Union National Bank of Westminster unto King & Knatz Enterprises, Inc. recorded among the Land Records of Baltimore County in Liber 8695, folio 283.

Exhibit to: American Little, Inc.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th Date of Posting: 6/1/94
Posted for: Variances
Petitioner: Mary C. & Craig C. Whitcraft
Location of property: 8 Berryman's Lane, N/S - Reisterstown Rd
Location of Sign: 8 Berryman's Lane, N/S - Reisterstown Rd
Remarks: None
Posted by: Arnold Jablon Date of return: 6/1/94
Number of Signs: 4

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case Number: 94-480-A (Item 464)
8 Berryman's Lane, N/S - Reisterstown Rd, 361.5 feet, W of c/l Reisterstown Road
Petitioner(s): Mary C. Whitcraft and Craig C. Whitcraft
HEARING: TUESDAY, JULY 5, 1994 at 11:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Variance to permit a lot width of 37.5 feet in lieu of the required 70 feet and side yard setbacks of 6.5 feet and 9.5 feet in lieu of the minimum 10 feet, with a combination sum total of 25 feet.
LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 887-3353. (2) For information concerning the file and/or hearing, please call 887-3353. 6/1/94 June 5.

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 10, 1994
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 9, 1994.

THE JEFFERSONIAN,
TOWSON, MARYLAND

receipt

Date: 6-25-94 Account ROC16150 Number: 300
CRAIG WHITCRAFT
VAL. (CIC) _____ 50.00
P-57706 (OSU) _____ 33.33
55.33
9/1/94
Please Make Checks Payable To: Baltimore County
Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/hearing property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Carl Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 464
Petitioner: CRAIG WHITCRAFT
Location: 8 BERRYMAN'S LANE, REISTERSTOWN, MD 21136
PLEASE FORWARD ADVERTISING BILL TO:
NAME: SPARE
ADDRESS: _____
PHONE NUMBER: 833-5524

MUST BE SUPPLIED

To: OUTRENT PUBLISHING COMPANY
July 3, 1994 Issue - Jeffersonian

Please forward billing to:

Craig Whitcraft
9 Berryman Lane
Reisterstown, Maryland 21136
410-833-5524

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Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-480-A (Item 464)

8 Berryman's Lane

N/S Berryman's Lane, 361.5 feet, W of c/l Reisterstown Road

4th Election District - 3rd Councilmanic

Petitioner(s): Mary C. Whitcraft and Craig C. Whitcraft

HEARING: TUESDAY, JULY 5, 1994 at 11:00 a.m. in Room 118 Old Courthouse

Variance to permit a lot width of 37.5 feet in lieu of the required 70 feet and side yard setbacks of 6.5 feet and 9.5 feet in lieu of the minimum 10 feet, with a combination sum total of 25 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3353.

*Called Petitioner
re pub. issue - should
be done - they realized
error and then ad on
June 9*

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

JUN 03 1994

(410) 887-3353

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Carl Jablon

Arnold Jablon
Director

cc: Mary C. Whitcraft and Craig C. Whitcraft
Jon Mersinger

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 24, 1994

Mr. and Mrs. Craig C. Whitcraft
538 Main Street
Reisterstown, Maryland 21136

RE: Case No. 94-480-A, Item No. 464
Petition for Variance
Petitioner: Craig C. Whitcraft, et ux.

Dear Mr. and Mrs. Whitcraft:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on May 25, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

**BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: June 13, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section *RWB*

RE: Zoning Advisory Committee Meeting
for June 13, 1994
Item No. 464

The Developers Engineering Section has reviewed the subject zoning item. Show the existing 20-foot drainage and utility easement running along the north property line. Sanitary sewer is located in Berryman's Lane, but the proposed dwelling is downstream of the sewer invert. The lot may not be severable. Show the Church Avenue ultimate right-of-way.

RWB:sw

ORDER RECEIVED FOR FILING
Date 7/7/94
By [Signature]

IN RE: PETITION FOR VARIANCE
N/S Berrymans Lane, 361.5' W
of the c/l of Reisterstown Road
(8 Berrymans Lane)
4th Election District -
3rd Councilmanic District
Craig C. Whitcraft, et ux
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 94-480-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 8 Berrymans Lane, located in the Reisterstown area of northern Baltimore County. The Petition was filed by the owners of the property, Craig C. and Mary C. Whitcraft. The Petitioners seek relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 37.5 feet in lieu of the required 70 feet and side yard setbacks of 6.5 feet and 9.5 feet in lieu of the minimum required 10 feet for each, and a total sum of the side yards of 16 feet in lieu of the required 25 feet. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Craig and Mary Whitcraft, property owners, and Jon Mersinger, Contractor. There were no Protestants present.

Testimony and evidence presented revealed that the subject property consists of a combined total of 2.4948 acres, more or less, zoned D.R. 1.5 and is comprised of two lots, known as 8 and 8A. Both lots are improved with a single family dwelling. Lot 8A was originally platted in 1919 and was owned at that time by Helen Baker and subsequently conveyed in 1929 to John Baker. The dwelling thereon, also known as 8A Berrymans Lane, was

built in 1930. Sometime thereafter, a second dwelling was built towards the front of the property 50 feet from Berrymans Lane. That property is known as 8 Berrymans Lane. The Petitioners are desirous of subdividing Lot 8 and constructing a dwelling on the new lot for Mrs. Whitcraft's elderly mother. During the subdivision process, it was discovered that the existing dwelling on Lot 8A did not comply with the setback requirements set forth in Section 1801.2.C.1 of the B.C.Z.R. and thus, the Petitioners filed the instant Petition to legitimize existing conditions on that lot.

It is to be noted that the Zoning Plans Advisory Committee (ZAC) comments offered by the Developers Engineering Section relate to the proposed subdivision and dwelling on the new lot. The variance filed for my consideration relates only to the existing dwelling on Lot 8A, which is a lot of record with the improvements thereon having existed for over 60 years. Therefore, my decision in this matter will not affect the proposed subdivision or new dwelling construction on Lot 8.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

ORDER RECEIVED FOR FILING
Date 7/7/94
By [Signature]

- 2 -

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of July, 1994 that the Petition for Variance seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 37.5 feet in lieu of the required 70 feet and side yard setbacks of 6.5 feet and 9.5 feet in lieu of the minimum required 10 feet for each, and a total sum of the side yards of 16 feet in lieu of the required 25 feet for the existing dwelling

ORDER RECEIVED FOR FILING
Date 7/7/94
By [Signature]

- 3 -

ing on Lot 8A, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

[Signature]
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 7/7/94
By [Signature]

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

July 7, 1994

(410) 887-4386

Mr. & Mrs. Craig C. Whitcraft
538 Main Street
Reisterstown, Maryland 21136

RE: PETITION FOR VARIANCE
N/S Berrymans Lane, 361.5' W of the c/l of Reisterstown Road
(8 Berrymans Lane)
4th Election District - 3rd Councilmanic District
Craig C. Whitcraft, et ux - Petitioners
Case No. 94-480-A

Dear Mr. & Mrs. Whitcraft:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

File



Petition for Variance
to the Zoning Commissioner of Baltimore County

for the property located at 8 Berrymans Lane, Balt. Co., MD

which is presently zoned D.R. - 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1, 1802.3.C.2, and 1802.3.C.3 TO PERMIT A LOT WIDTH OF 37.5' IN LIEU OF THE REQUIRED 70', AND SIDEYARD SETBACKS OF 6.5' AND 9.5' IN LIEU OF THE REQUIRED MINIMUM 10' WITH A COMBINATION SUM TOTAL OF 25'. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) * Existing one story masonry dwelling side yard setbacks are 6.5 feet and 9.5 feet. Current zoning regulation requires no less than 10 feet on one side and in combination must equal 25 feet. * Existing one story masonry dwelling front building line lot width is 37.5 feet. Current zoning regulation require 70.0 feet. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Leasee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property, which is the subject of this petition.)

Legal Owner(s)

MARK C. WHITCRAFT

[Signature]

CRIG C. WHITCRAFT

[Signature]

CRIG C. WHITCRAFT

538 MAIN ST. (410) 833-5524

REISTERSTOWN MD 21136

City Name, Address and phone number of representative (do not omit)

Jon Mersinger 410-526-6452

P.O. Box 71 Glyndon, MD 21071

Address Phone No

ESTIMATED LENGTH OF HEARING

Unavailable for Hearing

the following date

Next Two Months

ALL OTHER

REVIEWED BY JCM DATE 5-25-94

ORDER RECEIVED FOR FILING
Date 7/7/94
By [Signature]

464

EXAMPLE 3 - Zoning Description

3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 8-8A Berrymans Lane
Election District 4 (address) Councilmanic District 3

Beginning at a point on the North side of Berryman's Lane (north, south, east or west)

which is 50' (number of feet of right-of-way width) (street on which property fronts)

wide at a distance of 286.5' - 361.5' West (number of feet) (north, south, east or west) of the centerline of the nearest improved intersecting street Reisterstown Road (name of street)

which is (number of feet of right-of-way width) wide, Being Lot #

Block, Section # in the subdivision (name of subdivision) as recorded in Baltimore County Plat

Book #, Folio #, containing 21010.5' / 48 acre = 10039.12 / 23 acre (square feet and acres)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber, Folio" and include the measurements and directions (notes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E. 87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

*As recorded in Deed No. 8 Liber 9882 Folio 025 No. 8A Liber 9882 Folio 024

LIDER 9 222 PAGE 0 24
Exhibit A
8A Berrymans Lane

BEGINNING for the same at a point on the North side of Berrymans Lane, West of the Northwest corner of Berrymans Lane and Reisterstown Road, three hundred and sixty-one and fifty one-hundredths (361.50) feet, thence Westerly siding on the North side of Berrymans Lane south fifty-three (53) degrees five (5) minutes west for a distance of thirty-seven and fifty one-hundredths (37.50) feet, thence North thirty-four (34) degrees fifty-eight (58) minutes west and parallel to lot number one (1) for a distance of two hundred and sixty-seven and seventy-one hundredths (267.71) feet to the northern outline of the Subdivision, thence North fifty-five (55) degrees and thirty (30) minutes east for a distance of thirty-seven and fifty one-

hundredths (37.50) feet thence South thirty-four (34) degrees fifty-eight (58) minutes East and parallel to lot number one (1) for a distance of two hundred and sixty-six (266) feet more or less to the place of beginning.

Being the same lot of ground described in a Deed dated 12/21/90 from The Union National Bank of Westminster, unto King & Kist Enterprises, Inc. recorded among the land records of Baltimore County in Liber 8695, folio 286.

Exhibit B

BEGINNING for the same at an iron stake two hundred eighty-six and five tenths (286.5) feet west of Reisterstown Road, thence running south fifty-three (53) degrees five (5) minutes, west for a distance of seventy-five (75) feet on the north side of Berryman's Lane, thence North thirty-four (34) degrees fifty-eight (58) minutes west and parallel to lotnumbered One (1) for a distance of two hundred sixty-six (266) feet more or less to the Northern outline of subdivision, thence north fifty-five (55) degrees thirty (30) minutes east for a distance of nineteen (19) feet and eleven (11) inches, thence north thirty-six (36) degrees fifty-five (55) minutes west for a distance of sixteen and five tenths (16.5) feet to a stone planted in the ground, thence north fifty-four (54) degrees and thirty (30) minutes east fifty-six and five tenths (56.5) feet to an iron stake, thence south thirty-four (34) degrees fifty-eight (58) minutes east for a distance of two hundred seventy-eight and seven tenths (278.7) feet more or less to the place of beginning.

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Exhibit to: American Little, Inc.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 464 Date of Posting: 6/18/94
Posted for: Variances
Petitioner: Mary C. & Craig C. Whitcraft
Location of property: 8 Berryman's Lane, N/S - Reisterstown Rd
Location of Sign: 8 Berryman's Lane, N/S - Reisterstown Rd
Remarks: None
Posted by: Arnold Jablon Date of return: 6/23/94
Number of Signs: 4

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LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County
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CERTIFICATE OF PUBLICATION

TOWSON, MD., June 10, 1994
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 9, 1994.

THE JEFFERSONIAN,
TOWSON, MARYLAND

receipt

Date: 6-25-94 Account: R0C16150
Number: 300
CRAIG WHITCRAFT
VAL. (CIC) _____ 50.00
P-57706 (OSU) _____ 33.33
55.33
9/1/94
Please Make Checks Payable To: Baltimore County
Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/hearing property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Carl Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 464
Petitioner: CRAIG WHITCRAFT
Location: 8 BERRYMAN'S LANE, REISTERSTOWN, MD 21136
PLEASE FORWARD ADVERTISING BILL TO:
NAME: SPARE
ADDRESS: _____
PHONE NUMBER: 833-5524

MUST BE SUPPLIED

To: OUTRENT PUBLISHING COMPANY
July 3, 1994 Issue - Jeffersonian

Please forward billing to:

Craig Whitcraft
9 Berryman Lane
Reisterstown, Maryland 21136
410-833-5524

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-480-A (Item 464)

8 Berryman's Lane
N/S Berryman's Lane, 361.5 feet, W of c/l Reisterstown Road

4th Election District - 3rd Councilmanic

Petitioner(s): Mary C. Whitcraft and Craig C. Whitcraft

HEARING: TUESDAY, JULY 5, 1994 at 11:00 a.m. in Room 118 Old Courthouse

Variance to permit a lot width of 37.5 feet in lieu of the required 70 feet and side yard setbacks of 6.5 feet and 9.5 feet in lieu of the minimum 10 feet, with a combination sum total of 25 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3353.

*Called Petitioner
re pub. issue - should
be done - they realized
error and then ad on
June 9*

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

JUN 03 1994

(410) 887-3353

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Carl Jablon
Arnold Jablon
Director

cc: Mary C. Whitcraft and Craig C. Whitcraft
Jon Mersinger

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 24, 1994

Mr. and Mrs. Craig C. Whitcraft
538 Main Street
Reisterstown, Maryland 21136

RE: Case No. 94-480-A, Item No. 464
Petition for Variance
Petitioner: Craig C. Whitcraft, et ux.

Dear Mr. and Mrs. Whitcraft:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on May 25, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

**BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: June 13, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section *RWB*

RE: Zoning Advisory Committee Meeting
for June 13, 1994
Item No. 464

The Developers Engineering Section has reviewed the subject zoning item. Show the existing 20-foot drainage and utility easement running along the north property line. Sanitary sewer is located in Berryman's Lane, but the proposed dwelling is downstream of the sewer invert. The lot may not be severable. Show the Church Avenue ultimate right-of-way.

RWB:sw

ORDER RECEIVED FOR FILING
Date 7/7/94
By [Signature]

IN RE: PETITION FOR VARIANCE
N/S Berrymans Lane, 361.5' W
of the c/l of Reisterstown Road
(8 Berrymans Lane)
4th Election District -
3rd Councilmanic District
Craig C. Whitcraft, et ux
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 94-480-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 8 Berrymans Lane, located in the Reisterstown area of northern Baltimore County. The Petition was filed by the owners of the property, Craig C. and Mary C. Whitcraft. The Petitioners seek relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 37.5 feet in lieu of the required 70 feet and side yard setbacks of 6.5 feet and 9.5 feet in lieu of the minimum required 10 feet for each, and a total sum of the side yards of 16 feet in lieu of the required 25 feet. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Craig and Mary Whitcraft, property owners, and Jon Mersinger, Contractor. There were no Protestants present.

Testimony and evidence presented revealed that the subject property consists of a combined total of 2.4948 acres, more or less, zoned D.R. 1.5 and is comprised of two lots, known as 8 and 8A. Both lots are improved with a single family dwelling. Lot 8A was originally platted in 1919 and was owned at that time by Helen Baker and subsequently conveyed in 1929 to John Baker. The dwelling thereon, also known as 8A Berrymans Lane, was

built in 1930. Sometime thereafter, a second dwelling was built towards the front of the property 50 feet from Berrymans Lane. That property is known as 8 Berrymans Lane. The Petitioners are desirous of subdividing Lot 8 and constructing a dwelling on the new lot for Mrs. Whitcraft's elderly mother. During the subdivision process, it was discovered that the existing dwelling on Lot 8A did not comply with the setback requirements set forth in Section 1801.2.C.1 of the B.C.Z.R. and thus, the Petitioners filed the instant Petition to legitimize existing conditions on that lot.

It is to be noted that the Zoning Plans Advisory Committee (ZAC) comments offered by the Developers Engineering Section relate to the proposed subdivision and dwelling on the new lot. The variance filed for my consideration relates only to the existing dwelling on Lot 8A, which is a lot of record with the improvements thereon having existed for over 60 years. Therefore, my decision in this matter will not affect the proposed subdivision or new dwelling construction on Lot 8.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

ORDER RECEIVED FOR FILING
Date 7/7/94
By [Signature]

- 2 -

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of July, 1994 that the Petition for Variance seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 37.5 feet in lieu of the required 70 feet and side yard setbacks of 6.5 feet and 9.5 feet in lieu of the minimum required 10 feet for each, and a total sum of the side yards of 16 feet in lieu of the required 25 feet for the existing dwelling

ORDER RECEIVED FOR FILING
Date 7/7/94
By [Signature]

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ing on Lot 8A, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

[Signature]
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 7/7/94
By [Signature]

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

July 7, 1994

(410) 887-4386

Mr. & Mrs. Craig C. Whitcraft
538 Main Street
Reisterstown, Maryland 21136

RE: PETITION FOR VARIANCE
N/S Berrymans Lane, 361.5' W of the c/l of Reisterstown Road
(8 Berrymans Lane)
4th Election District - 3rd Councilmanic District
Craig C. Whitcraft, et ux - Petitioners
Case No. 94-480-A

Dear Mr. & Mrs. Whitcraft:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

File



Petition for Variance
to the Zoning Commissioner of Baltimore County

for the property located at 8 Berrymans Lane, Balt. Co., MD

which is presently zoned D.R. - 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1, 1802.3.C.2, 1802.3.C.3, 1802.3.C.4, 1802.3.C.5, 1802.3.C.6, 1802.3.C.7, 1802.3.C.8, 1802.3.C.9, 1802.3.C.10, 1802.3.C.11, 1802.3.C.12, 1802.3.C.13, 1802.3.C.14, 1802.3.C.15, 1802.3.C.16, 1802.3.C.17, 1802.3.C.18, 1802.3.C.19, 1802.3.C.20, 1802.3.C.21, 1802.3.C.22, 1802.3.C.23, 1802.3.C.24, 1802.3.C.25, 1802.3.C.26, 1802.3.C.27, 1802.3.C.28, 1802.3.C.29, 1802.3.C.30, 1802.3.C.31, 1802.3.C.32, 1802.3.C.33, 1802.3.C.34, 1802.3.C.35, 1802.3.C.36, 1802.3.C.37, 1802.3.C.38, 1802.3.C.39, 1802.3.C.40, 1802.3.C.41, 1802.3.C.42, 1802.3.C.43, 1802.3.C.44, 1802.3.C.45, 1802.3.C.46, 1802.3.C.47, 1802.3.C.48, 1802.3.C.49, 1802.3.C.50, 1802.3.C.51, 1802.3.C.52, 1802.3.C.53, 1802.3.C.54, 1802.3.C.55, 1802.3.C.56, 1802.3.C.57, 1802.3.C.58, 1802.3.C.59, 1802.3.C.60, 1802.3.C.61, 1802.3.C.62, 1802.3.C.63, 1802.3.C.64, 1802.3.C.65, 1802.3.C.66, 1802.3.C.67, 1802.3.C.68, 1802.3.C.69, 1802.3.C.70, 1802.3.C.71, 1802.3.C.72, 1802.3.C.73, 1802.3.C.74, 1802.3.C.75, 1802.3.C.76, 1802.3.C.77, 1802.3.C.78, 1802.3.C.79, 1802.3.C.80, 1802.3.C.81, 1802.3.C.82, 1802.3.C.83, 1802.3.C.84, 1802.3.C.85, 1802.3.C.86, 1802.3.C.87, 1802.3.C.88, 1802.3.C.89, 1802.3.C.90, 1802.3.C.91, 1802.3.C.92, 1802.3.C.93, 1802.3.C.94, 1802.3.C.95, 1802.3.C.96, 1802.3.C.97, 1802.3.C.98, 1802.3.C.99, 1802.3.C.100, 1802.3.C.101, 1802.3.C.102, 1802.3.C.103, 1802.3.C.104, 1802.3.C.105, 1802.3.C.106, 1802.3.C.107, 1802.3.C.108, 1802.3.C.109, 1802.3.C.110, 1802.3.C.111, 1802.3.C.112, 1802.3.C.113, 1802.3.C.114, 1802.3.C.115, 1802.3.C.116, 1802.3.C.117, 1802.3.C.118, 1802.3.C.119, 1802.3.C.120, 1802.3.C.121, 1802.3.C.122, 1802.3.C.123, 1802.3.C.124, 1802.3.C.125, 1802.3.C.126, 1802.3.C.127, 1802.3.C.128, 1802.3.C.129, 1802.3.C.130, 1802.3.C.131, 1802.3.C.132, 1802.3.C.133, 1802.3.C.134, 1802.3.C.135, 1802.3.C.136, 1802.3.C.137, 1802.3.C.138, 1802.3.C.139, 1802.3.C.140, 1802.3.C.141, 1802.3.C.142, 1802.3.C.143, 1802.3.C.144, 1802.3.C.145, 1802.3.C.146, 1802.3.C.147, 1802.3.C.148, 1802.3.C.149, 1802.3.C.150, 1802.3.C.151, 1802.3.C.152, 1802.3.C.153, 1802.3.C.154, 1802.3.C.155, 1802.3.C.156, 1802.3.C.157, 1802.3.C.158, 1802.3.C.159, 1802.3.C.160, 1802.3.C.161, 1802.3.C.162, 1802.3.C.163, 1802.3.C.164, 1802.3.C.165, 1802.3.C.166, 1802.3.C.167, 1802.3.C.168, 1802.3.C.169, 1802.3.C.170, 1802.3.C.171, 1802.3.C.172, 1802.3.C.173, 1802.3.C.174, 1802.3.C.175, 1802.3.C.176, 1802.3.C.177, 1802.3.C.178, 1802.3.C.179, 1802.3.C.180, 1802.3.C.181, 1802.3.C.182, 1802.3.C.183, 1802.3.C.184, 1802.3.C.185, 1802.3.C.186, 1802.3.C.187, 1802.3.C.188, 1802.3.C.189, 1802.3.C.190, 1802.3.C.191, 1802.3.C.192, 1802.3.C.193, 1802.3.C.194, 1802.3.C.195, 1802.3.C.196, 1802.3.C.197, 1802.3.C.198, 1802.3.C.199, 1802.3.C.200, 1802.3.C.201, 1802.3.C.202, 1802.3.C.203, 1802.3.C.204, 1802.3.C.205, 1802.3.C.206, 1802.3.C.207, 1802.3.C.208, 1802.3.C.209, 1802.3.C.210, 1802.3.C.211, 1802.3.C.212, 1802.3.C.213, 1802.3.C.214, 1802.3.C.215, 1802.3.C.216, 1802.3.C.217, 1802.3.C.218, 1802.3.C.219, 1802.3.C.220, 1802.3.C.221, 1802.3.C.222, 1802.3.C.223, 1802.3.C.224, 1802.3.C.225, 1802.3.C.226, 1802.3.C.227, 1802.3.C.228, 1802.3.C.229, 1802.3.C.230, 1802.3.C.231, 1802.3.C.232, 1802.3.C.233, 1802.3.C.234, 1802.3.C.235, 1802.3.C.236, 1802.3.C.237, 1802.3.C.238, 1802.3.C.239, 1802.3.C.240, 1802.3.C.241, 1802.3.C.242, 1802.3.C.243, 1802.3.C.244, 1802.3.C.245, 1802.3.C.246, 1802.3.C.247, 1802.3.C.248, 1802.3.C.249, 1802.3.C.250, 1802.3.C.251, 1802.3.C.252, 1802.3.C.253, 1802.3.C.254, 1802.3.C.255, 1802.3.C.256, 1802.3.C.257, 1802.3.C.258, 1802.3.C.259, 1802.3.C.260, 1802.3.C.261, 1802.3.C.262, 1802.3.C.263, 1802.3.C.264, 1802.3.C.265, 1802.3.C.266, 1802.3.C.267, 1802.3.C.268, 1802.3.C.269, 1802.3.C.270, 1802.3.C.271, 1802.3.C.272, 1802.3.C.273, 1802.3.C.274, 1802.3.C.275, 1802.3.C.276, 1802.3.C.277, 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